

The Weekly Clarion.

Official Journal of the State of Mississippi.

By K. Barksdale, J. L. Power, Harris Barksdale.

WEDNESDAY - - MAY 10, 1876.

The Mississippi Democratic Representative in Congress and the Investigating Committee.

Gen. Ames' testimony before the Investigating Committee is condensed in the New York Times. It is a tissue of the grossest misrepresentation and calumny, and has gone forth to do its work of aspersing the character of our people, and furnishing capital for the party, which lives and thrives by keeping alive the hates and animosities of the North and the South. Under the circumstances, our people have a right confidently to expect that their Representatives, who are on the spot from which these falsehoods have emanated, will take prompt measures to vindicate them, and to prevent the injury which must result if their calumniators are not immediately and effectually answered.

Having been eye-witnesses of the maladministration of the carpet-baggers, and participants in the late canvass which resulted in the triumph of Reform, they are prepared to give testimony that will put to flight these unsupported charges, and vindicate the good name of their constituency.

The speech of Morton, teeming with false statements and the most shameless scandals, has not been refuted; and now it is supplemented by the Munchausen stories of the late Governor, who abandoned his office to escape the penalty of his crimes, and who pretends to speak by the book, and from knowledge obtained in his official capacity. Our members of Congress have a right to be heard before the Committee, and through that medium, by the nation; and their constituents are looking to them, as the chosen sentinels on the watchtower, to protect their names from the murderous accusations of their unscrupulous assailants. As witnesses having knowledge of the matters whereof they will speak, we trust the Mississippi delegation—Messrs. Lamar, Singleton, Money and Hooker—will, if they have not already done so, demand a hearing upon the various points within the scope of the investigation, viz: The late election, its fairness and legality; the obedience of our people to law; the corruption and dishonesty of carpet-bag rule, its extravagant expenditures and the profligacy and wastefulness of its financial system. It is time this vindication was made; and for the good name of our people and the cause of right and justice, the sooner it is made the better.

GOVERNOR RICHARD COKE was elected United States Senator by the Legislature of Texas on the 3d.

W. W. HOSKINS, Esq., has become editorially connected with that excellent journal, the Lexington Advertiser.

COUNTY Conventions are requested to meet on the 3d of June to appoint delegates to the State Convention. Don't forget the day.

L. G. POLK, Esq., withdraws from the Tallahatchie News, and is succeeded by Messrs. Marshall and Manley. Success to all concerned.

WHAT is needed for the vindication of the people of Mississippi, who carried the election for reform last year, is not speeches by our Representatives on the floor of Congress, for they will produce crimination and recrimination, in which our sectional enemies have nothing to lose, and are always the gainers; but testimony, delivered under all the solemnities of an oath, before the Investigating Committee.

REVENUE PAMPHLET.—Hon. W. H. Gibbs, Auditor of Public Accounts, and Col. J. S. Hamilton, Deputy Auditor, have had printed and distributed to the revenue officers of the State, a handsome pamphlet of 114 pages, containing all of the laws pertaining to the public revenues, with full instructions as to the construction of the laws and the duties of the officers. It will be of great assistance to tax collectors, and others directly connected with the financial department of the State.

We received a letter from Hon. W. H. Gibbs, Auditor, calling our attention to a paragraph noticing the failure of Meyer & Co., of Canton, and speaking of Dan Meyer as a former "henchman" of the Auditor, which our friend Gibbs excepts to, and perhaps rightly. We always "take water" cheerfully when wrong, and we say to the Auditor that certainly no reflection was intended upon him, and that the adjective was hastily applied. Auditor Gibbs has so conducted himself in office as to exert full praise from even his bitterest political opponents, and his friends in this county feel gratified to have furnished to the State such an officer under an administration not remarkable for its purity. As to Mr. Dan Meyer the least said is the soonest.

We know nothing of the merits of the former employee alluded to, but, though differing in politics with Mr. Gibbs, we desire unequivocally to endorse what is said of him by our Woodville contemporary, as an efficient and meritorious officer. He deserves commendation for his appointment of an able and competent corps to reside at the several desks in his department. They have given general satisfaction in the discharge of the duties devolved upon them; and without intending to be invidious, we wish to bear testimony especially to the qualifications and services of Deputy Auditor, Col. Jones S. Hamilton, who was prompt on all occasions to impart useful information for the guidance of the Legislature in framing laws in reference to the finances of the State.

LAW

OF THE

STATE OF MISSISSIPPI

[PUBLISHED BY AUTHORITY.]

AN ACT to make the county of Warren, in this State, a separate circuit and Chancery Court District, and to provide for defraying the expenses of the Court therein.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the county of Warren in this State, be and the same is hereby made and created a separate circuit and chancery court district, to be known and designated as the eleventh judicial district, and the circuit and chancery courts thereof shall be held as follows, to-wit: A circuit court for the transaction of civil business on the first Monday of March, June and December, and continue four weeks, if business shall so long require. A circuit court for the transaction of criminal business, on the first Monday of January, April and October, and continue four weeks, if business shall so long require. A chancery court for the transaction of chancery business, on the first Monday of February, May and November, and continue four weeks, if business should so long require.

Sec. 2. *Be it further enacted*, That the salary of the circuit judge of said district shall be two thousand dollars, and that of the chancery judge two thousand dollars, per annum, to be paid one-fourth by the State, in like manner as the salaries of other judges and chancellors are paid, and the other three-fourths by the said county of Warren, as hereinafter provided; but it shall be lawful for the same person to be appointed to both of said offices; and in case the same person shall hold both of said offices, then his salary for both shall be only three thousand and six hundred dollars per annum, so long as he shall continue so to hold the same, of which sum the State shall pay only six hundred dollars, and said county of Warren the residue.

Sec. 3. *Be it further enacted*, That it shall be the duty of the board of supervisors of said county to levy annually a special tax, to be paid in currency, sufficient to provide a fund for the payment of so much of the salary or salaries of the said judge and chancellor as is required by this act to be paid by said county; the same to be levied and collected at the same time and in like manner as other taxes for county purposes are required by law to be levied and collected, but after one levy shall have been made, in pursuance of this section, said board shall, in fixing the amount of any subsequent levy, take into consideration the revenue arising under the subsequent provisions of this Act, and shall levy such amount only as shall be needed in addition to such revenue, to provide a certain and sufficient fund for the payment of said salary or salaries; and no fund created under the provisions of this Act shall be appropriated to any purpose other than those herein designated.

Sec. 4. *Be it further enacted*, That, in order that the expense of said courts may fall upon the persons immediately benefited thereby, as follows may be, the following fees shall be paid by attorneys, litigants and parties in said courts, to be appropriated to defraying the expenses thereof, as hereinafter directed, viz: Each attorney practicing in said circuit court, and each solicitor practicing in said chancery court, shall pay a license fee of ten dollars annually for so doing, the same to be due and payable on the first day of January of each year, beginning with the year 1877; and any attorney or solicitor who shall be enrolled as such in either of said courts, after the first day of January in any year, shall pay such fee at the time of his being so enrolled for the remainder of such year; and the license fees so payable, shall be in lieu of any license fees or privilege taxes, required to be paid by such attorneys or solicitors under the general revenue laws of the State.

Upon each suit, petition, appeal, administration, guardianship, or other matter or proceeding of a civil nature brought or opened in said courts, or either of them, a docket fee shall be paid as follows, to-wit: And the amount sued for, or the value of the estate or property involved, shall not be over \$1,000, \$5; over \$1,000, \$10; when it shall be over \$2,500 and not over \$5,000, \$15; when it shall be over \$5,000 and not over \$10,000, \$20; when it shall be over \$10,000, \$25. When the matter in controversy shall not be of a pecuniary nature, the docket fee shall be \$10. And where, in any such suit, matter or proceeding, the amount sued for or the value of the estate or property involved, shall not appear upon the face of the papers as a necessary part thereof, the plaintiff or other person bringing or opening such suit, matter or proceeding, his agent or attorney, shall make and file therewith an affidavit stating the same as nearly as may be, and the fee to be paid shall be determined thereby. But all fees paid, as above required, by any party, plaintiff or complainant, in any suit or other proceeding, in which there shall be a party defendant liable for costs, shall be recovered by such party, plaintiff or complainant, as a part of his costs if he recover costs; and no fee in this Act contained shall be paid by any person from bringing any suit or action, who shall comply with the provisions of section 571, of the Revised Code, in relation to suits in forma pauperis.

Sec. 5. *Be it further enacted*, That the fees, in the preceding section mentioned, shall be payable in currency to the clerks of the said circuit and chancery courts, respectively, who shall be responsible for the same on their official bonds; and no cause, matter or proceeding, shall be filed, docketed or opened in said courts, either of them, and no attorney or solicitor shall be allowed to practice in said courts, or either of them, until the fees mentioned in the last preceding section have been paid as thereby required; and the said courts shall have power, by proper orders, to enforce the payment of said fees, and to regulate and correct the assessment and taxation thereof, in a summary manner, as in other matters of costs.

Sec. 6. *Be it further enacted*, That it shall be the duty of the clerks of said circuit and chancery courts, respectively, to receive and collect the said fees, and safely keep the same to be paid over to the treasurer of said county, unless otherwise paid, as hereinafter provided; and each of said clerks shall keep a book to be styled "The Docket and License Fee Book," in which he shall enter, under proper headings and divisions, a record of all such fees collected by him, specifying therein the amount, the style and number of the case, matter or proceeding in which the same is paid, or in case the fee be an attorney's or solicitor's license fee, the name of the attorney or solicitor paying the same; and at the annual meeting of the board of supervisors of said county, appointed by law for the levying of county taxes, shall submit said book to said board for inspection, together with any other books or papers of his office which they may require; and shall also make and present to said board, a transcript of the entries therein, supported by his affidavit, that the said book has been correctly kept, and the entries therein truly made; and that the said statement is correctly transcribed therefrom, and justly and truly shows all moneys wherewith he is chargeable under this Act; and shall also present to said board, to be counted and examined, all money remaining in his hands, and all vouchers for money paid out by him in pursuance of this Act, if any, and said board may then, or at any other time, order any money in the hands of

such clerk to be paid over to the county treasurer, and it shall be the duty of such clerk so to pay the same forthwith; but until otherwise ordered by said board it shall be the duty of said clerks to retain all moneys coming into their hands in pursuance of this Act, to be applied to the payment of the salary or salaries of the said judge and chancellor as hereinafter directed. And no statement in pursuance of this section shall be required of said clerks before the meeting of said board to levy taxes for the fiscal year 1877, unless otherwise specially ordered by said board.

Sec. 7. *Be it further enacted*, That so much of the salary or salaries of said judge and chancellor as shall be payable by the county of Warren, under this Act, shall be due and payable monthly, on warrants to be issued by the said board of supervisors, payable out of the special fund to be provided under this Act, in currency; but any funds in the hands of said clerks or either of them, arising from the docket and license fees aforesaid, shall be applied by them to the payment of said warrants, on presentation thereof for that purpose; and if any such warrant shall be thus paid in full, said judge or chancellor shall endorse the same and pay it into the hands of the clerk of the county of Warren, who shall deliver the same to said clerk as a voucher; but if paid in part only, then the clerk shall take the receipt of the judge or chancellor for the amount paid, and shall also endorse such amount as a credit upon such warrant, and sign his name; *Provided*, however, That if the said offices of Judge and Chancellor shall, at any time be held by different persons, then the fund in the hands of the circuit clerk shall be appropriated to the payment of the warrants of the circuit judge, and the balance of the fund of the chancery clerk to the payment of the warrants of the chancellor.

Sec. 8. *Be it further enacted*, That no grand jury shall be selected or summoned for the terms of said circuit court designated for the transaction of civil business.

Sec. 9. *Be it further enacted*, That the judge of said circuit court, whenever in view of the number and condition of the prisoners confined in the jail of said county, and of the public health of the city of Vicksburg, it shall be in his opinion expedient and proper, may order the special term of said court, for the transaction of criminal business, to be held at any time in the months of July, August or September, ten days subsequent to the making of such order, which shall be published for that space of time previous to such term in some newspaper published in said city of Vicksburg; and at such term, preference shall be given to the cases of prisoners confined in jail and unable to give bail; and the court shall not be bound to sit longer than may be necessary to dispose of such cases. The order for such special term shall be made and signed by the judge and filed with the clerk, and shall be entered on the minutes of such special term when convened; but no failure or irregularity in the publication thereof shall affect the validity of any judgment or proceeding given or had at such term. In such order, the judge may, if he think proper, direct the clerk to issue a writ or writs of *habeas corpus* for a grand jury and petit jury, one or both, to attend said term; or the court, on convening, may order the issuance of such writs; but no such writs shall be summoned for said term, unless so ordered.

Sec. 10. *Be it further enacted*, That nothing in this Act shall be construed as to deprive defendants of the benefits of an impleader term; but the same shall be regulated according to the laws now in force.

Sec. 11. *Be it further enacted*, That all laws and parts of laws, in conflict with the provisions of this Act, be and the same are hereby so modified as not to apply to said county of Warren; and the effect and force of such laws shall be in force and effect and be in force from and after its passage.

APPROVED, April 11, 1876.

AN ACT to amend section 2609 of the Revised Code of 1871 in reference to the duties of the Steward of the Lunatic Asylum, and of the Superintendent of the Asylum for the Deaf and Dumb and the Asylum for the Blind.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That section (2099) two thousand and ninety-nine, Revised Code 1871, be and the same is hereby so amended as to require the Steward of the Lunatic Asylum, in addition to his present duties, to make careful estimates of the kind and quantity of goods and supplies needed for the use of said Asylum, in advance of making such purchases, and submit said estimates to the Board of Trustees for their examination and approval; and after the said estimate has been approved by the Board of Trustees, it shall be the duty of said Steward to purchase said goods and supplies, in the most suitable and cheapest market, in whole package when possible, and at wholesale prices.

Sec. 2. *Be it further enacted*, That in no case shall goods and supplies be purchased by retail except in case of urgent and immediate necessity, which necessity shall be determined by the Board of Trustees.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Steward of the Lunatic Asylum when he makes his quarterly settlements with the Board of Trustees to accompany the same with a sworn statement of the correctness of bills and invoices of goods and supplies purchased by him during the past three months, that the quantity and kind of goods and supplies are in conformity with the estimate approved by the Board of Trustees; that the amount charged is the true amount paid by him or agreed to be paid; that he has purchased the same in bulk or whole packages when possible, in the most suitable and cheapest market known to him; that he has not received or is to receive any commission, discount or premium, directly or indirectly, from parties from whom purchases are made for his personal benefit, but that the purchases made and the prices paid, or agreed to be paid for the same, was for the best interest of the State.

Sec. 4. *Be it further enacted*, That for a violation of any provision of the act or of the act to which this is amendatory, said Steward shall be liable on his bond and subject to a criminal prosecution in any court having jurisdiction of the offense, and on conviction thereof, shall be fined in any sum not less than twice the amount of loss sustained by the State, by reason of such omission of duty.

Sec. 5. *Be it further enacted*, That all the duties to be performed under the provisions of this act by the Steward of the Lunatic Asylum shall be performed by the Superintendent of the Asylum for the Deaf and Dumb and the Asylum for the Blind in respect to the Asylums over which they preside, and be subject to all the penalties provided for in this act.

Sec. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, April 14th, 1876.

AN ACT supplemental to and amendatory of an Act entitled "An Act to reorganize the Congressional Districts of the State," which became a law by limitation on the 18th of March, 1876.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an Act entitled "An Act to reorganize the Congressional Districts of the State," which became a law by limitation on the 18th of March, 1876, be and the same is hereby amended by transferring the county of Yazoo from the Sixth to the Seventh District.

Sec. 2. *Be it further enacted*, That this Act take effect and be in force from and after its passage.

APPROVED, April 15th, 1876.

AN ACT to facilitate the Construction of Telegraph Lines in the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That any telegraph company, chartered or incorporated by the laws of this or any other State, shall, upon making just compensation as hereinafter provided, have the right to construct, maintain and operate telegraph lines through any public lands of this State, and on, across and along all highways, streets and roads, and across and under any navigable waters, and on and along any private land in this State; *Provided*, That the parts, arms, insulators and other fixtures of such telegraph lines be erected, placed, used and preserved in the usual manner of constructing, operating, and maintaining telegraph lines on, or along, and upon the right of way and structures of railroads, and on, across and along highways, roads and streets, and across and under navigable waters, and in such manner as not to interfere with the ordinary use of the ordinary travel and traffic on such highways, railroads, streets, or waters, or with the convenience of any landowner, owner, or tenant of any such land; *Provided further*, That any such telegraph company, for the purpose of making through lines, or connections, may acquire by lease or purchase, or by any other lawful contract, the right to use, own and operate, as a part of its lines, and according to the terms of its charter, any other line or lines of telegraph which are now or may hereafter be constructed, and the owners of such telegraph lines are hereby empowered to make such contracts, and said company so acquiring said lines shall have and enjoy all the rights, franchises and privileges theretofore vested in the former owners.

Sec. 2. *Be it further enacted*, That whenever any such telegraph company desires to construct its lines on, along or upon the right of way and structures of any railroad, or upon and along the roadway of any incorporated turnpike, or in case it should be necessary to construct the same under, on, or over any private land in this State, the said telegraph company shall, by its agents, have the right to peaceably enter upon and survey, locate and lay out its said lines thereon, and enter into contract with the owner of any such railroad or turnpike for the use of its right of way and structures, or with any turnpike company, for the use in its roadway for telegraph purposes; or may agree and contract with the owner of any land for an easement therein, for the purpose of constructing, maintaining and operating its telegraph lines, as herein provided; and in case said lands belong to the estate of any deceased person, then said company may agree and contract with the executor or administrator thereof; and if the same belong to a minor, or person *non compos*, then with the guardian, or in case said land be held by trustees of school sections, or other trustees of estates, then with such trustees; said executors, administrators, guardians and trustees being hereby declared competent to make such contract, which shall be binding upon all parties in interest; and said executors, administrators, guardians and trustees shall be liable, on their respective bonds, to account to those interested for any moneys received by them under said contracts or agreements; and if the parties and such company prefer the question of compensation to be referred to arbitrators mutually chosen, whose award, or, in case of disagreement, that of the umpire, shall be binding between the parties.

Sec. 3. *Be it further enacted*, That in case any telegraph company having the rights and privileges herein granted, for any cause, shall not agree with the owner or owners of any land, or with the executor, administrator, guardian or trustees of the estate to which the same belongs, or with the owners of any railroad or incorporated turnpike, or on or in which an easement, right or privilege is sought, such telegraph company may file its petition in the office of the clerk of the circuit court of the county in which said land is located; or in case of a railroad or turnpike, then in the office of the circuit clerk of any county in which any portion of the said railroad or turnpike may be located, or through which the same may run. Said petition shall designate the land or lands, and the structures or turnpikes, as the case may be, and the particular use, right, easement or privilege sought to be condemned. It shall also give the name of the petitioner, and shall give the place of residence, if the same be known, of the name or names of the reputed owner or owners of said property, or of the executor, administrator, guardian or trustees; and if the names and places of residence of the owners be not known to petitioner, the petition shall so state. Such petition shall be signed and sworn to by an officer or agent of the company, duly authorized in the premises.

Sec. 4. *Be it further enacted*, That such petition as hereinbefore provided, may be filed at any time and the proceedings thereunder shall be in rem against such parcel or parcels of land, or against such railroad and structures or turnpike roadway, such petition and proceedings in case the lands of private owners are proceeded against, shall only embrace or include in any one proceeding, the lands of one proprietor or owner, in case any right or privilege is sought as against railroads or turnpikes, or in case of a turnpike, the property of but one such railroad or turnpike, can be embraced in one petition.

Sec. 5. *Be it further enacted*, That upon the filing of such petition, the clerk shall cause a motion or notice from him of the filing of the petition and of the purport thereof in general terms, and of the time of the inquest and assessment of compensation hereinafter provided, to be posted by the sheriff or some authorized person in some conspicuous place upon each parcel or parcels of the said road or turnpike, ten days before the said inquest, and assessment shall be made, and upon proof of such posting, by the return of the sheriff or oath of the person appointed, the authority of the commissioners hereinafter provided for shall be complete to proceed in the premises.

Sec. 6. *Be it further enacted*, That it shall be the duty of the clerk, upon the filing of such petition, to cause a notice in general terms of the filing of such petition, for the inquest, to be served upon the owner or owners of said lands, or to be left at his, her, or their place or places of residence, at least five days before such assessment, if such owners are named in the petition reside in the county; and in case of a railroad or turnpike, the notice may be served upon any agent upon whom like notice and legal process could be served in other legal proceedings. If any such owners or their places of residence are not known, or stated in the petition, or if such owners, or any of them, reside out of the county, such notice shall be published by three consecutive weekly insertions in some newspaper published in the county, in which such petition is filed, and if none be published in the county, then in some newspaper of one of the cities or towns of Mississippi which shall be nearest the said property.

Sec. 7. *Be it further enacted*, That upon the filing of any such petition the clerk shall forthwith issue a writ, commanding the sheriff to summon and to have on or near said land, railroad, or turnpike, at the time in the writ to be mentioned, and within fifteen days if the owners are all known and reside in the county, or if not, then within thirty days, nine good and lawful men, citizens of the county, from whom and talismen, if need be, five commissioners shall be chosen, who shall be sworn by and under the direction of the sheriff to well inquire and true assessment make of the damages and compensation which the owner or owners

of said parcel or parcels of land, railroad or turnpike, respectively, shall be entitled to have for the appropriation thereof, to the use of the petitioner as prayed for; and a majority of said commissioners may render the award.

Sec. 8. *Be it further enacted*, That the said commissioners may, if they so desire, inspect the road structure or land on which an assessment or privilege is sought, and the owners of any land, railroad or turnpike, may intervene for their respective interests in the premises, and evidence may be offered by the petitioner or intervenors showing how the said property will be injured or affected by the construction of said works, and they may have the writ of subpoena issued by the clerk or sheriff to compel the attendance of its or their witnesses; but no delay shall be caused by any, nor shall evidence be received in respect to the title and ownership of said property; and in case either party shall object to the proof or introduction of any particular matter as a basis of claim for damages, then the commissioners shall report separately and specially to such matter, and state the allowance for the alleged damage as a special item, and such item may be revived in the manner hereinafter pointed out.

Sec. 9. *Be it further enacted*, That if, at the time appointed for the inquest, the proper preliminary proceedings have not been had in respect to some or all of the parcels of land or property in the writ prescribed, the petitioner may discontinue as to such parcels, in which said proceedings have not been had, or the commissioners may adjourn the proceedings as to them to another day, and proceed with respect to those parcels of land as to which the proper proceedings have been had; and any vacancy occurring in said body of commissioners on the day to which any adjournment shall be made, or at any other time, such vacancy shall be filled by the sheriff, and in case the commissioners cannot agree, or on the application of petitioner pending any adjournment, other commissioners may be chosen to make such assessment.

Sec. 10. *Be it further enacted*, That the commissioners, after making their award as hereinbefore provided, shall make and sign a report of their proceedings in the premises, and shall deliver the same into the hands of the sheriff, who shall make immediate return thereof, with the writ, and his action in the premises, and upon the actual payment in cash, to the person or company entitled to receive the same, of the whole amount of the award made as hereinbefore directed, the said petition, and its assignees, shall have the full and perfect right to enter upon the property described, and to have, possess and enjoy the easements, rights and privileges therein, as the same are in the petition set forth and claimed, and a full record shall be kept in said clerk's office of all proceedings had under this Act.

Sec. 11. *Be it further enacted*, That for good cause shown by the petitioner, or any owner, by motion to the judge of the circuit court, in which said proceedings were had, a new inquest and assessment may be had; *Provided*, said motion shall state the grounds upon which said new assessment is asked, and shall be supported by the affidavit of life party applying therefor, of the hearing of which motion the other party shall have at least five days notice. If, upon a consideration of the matter, a new inquest and assessment shall be ordered by the judge in respect to any such property, a new writ shall issue and all proceedings be thereon had, as on the first assessment; *Provided further*, That not more than one new inquest shall be allowed at the instance of the same party in reference to the same matter.

Sec. 12. *Be it further enacted*, That in case of objection by the petitioner or any owner to any item of damage, as mentioned in the eighth section of this Act, such objector must, within ten days after the return of the sheriff's writ, give five days notice to the other party that at a time and place mentioned, he or they will present said objection to the circuit judge, who shall thereupon proceed to pass upon the validity of such objection; and if said judge sustains said objection he shall strike the said item from the award and the balance then found assessed, if any shall be paid by the petitioner; and if said petitioner shall have paid more than said final and amended award, the balance shall be refunded by the party to whom the same may have been paid, and it shall be unlawful for the clerk, pending any controversy, to pay over the sum in dispute to the owners of any said property; *Provided*, that from all orders of the said judge in reference to any proceeding under this Act, an appeal may be taken to the supreme court of this State within sixty days from the making of any such order, or from the final order therein made; the appellant being required to give security for the costs of the appeal as in other cases, but no appeal shall be taken or delay a petitioner who has paid to the party or parties entitled under the award to receive the same, the amount of the award from constructing and operating their lines on or over said property.

Sec. 13. *Be it further enacted*, That the sheriff may act by a regular sworn deputy, or the coroner may act as in other cases provided by law, and for any default of the clerk, sheriff, coroner, commissioners, witnesses, or other person, the penalty prescribed by law for like default, in cases pending in the circuit court, shall be enforced.

Sec. 14. *Be it further enacted*, That the fees shall be as follows: To the clerks, for the filing of each petition, fifty cents; for the issue of each motion or notice, twenty-five cents; for each copy thereof, when executed, fifteen cents; for each writ to sheriffs, one dollar; issuing subpoena, each, fifteen cents, to be paid by party ordering the same; for filing the report of the commissioner and return of the sheriff, fifty cents; for filing any other paper or motion, ten cents; for issuing any other notice, twenty-five cents; for final record and advertising, same as allowed by law in other cases; to the sheriff, for posting notices, each, seventy-five cents; serving notice, each, fifty cents; summoning and organizing the commissioners, three dollars; for presiding at the inquest and assessment for each day actually employed, three dollars; returning writ and report of commissioners, one dollar; issuing subpoena, same as clerk; to the commissioners, three dollars for each day actually employed.

Sec. 15. *Be it further enacted*, That at the time of the filing of its said petition, such telegraph company may be required to give security for the costs of the proceedings, and if said petitioner shall, before or after the filing of said petition, tender to the owner of any parcel of land, railroad or turnpike as much or more money than the amount of the award, then such owner or owners shall be required to pay all costs accruing subsequently to said tender, and in case several parcels of land are against said parcel or parcels of land, the amount taxed shall be in proportion to the share of the total amount of compensation awarded in the report.

Sec. 16. *Be it further enacted*, That any company assuming to have or enjoy any of the rights herein granted, shall, upon opening any office for business in this State, be required to pay a privilege tax, to be fixed by law, not to exceed one thousand dollars, and said company shall appoint an agent in each county through which its lines may be constructed, upon whom any process may be served in any suit brought against it in any of the courts of this State.

Sec. 17. *Be it further enacted*, That all laws of this Act are hereby repealed, and that this Act take effect and be in force from and after its passage.

APPROVED, April 15th, 1876.

AN ACT to provide for certain State warrants known as the Railroad warrants.

WHEREAS, On the 4th day of September, 1871, Auditor of Public Accounts issued sundry warrants (in after described) in favor of the Ripley Railroad Company, in violation of the Constitution of this State, the same are now in deposit in the State Treasury for sale.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the above mentioned warrants be and the same are hereby declared void and null.

TO WHOM PAYABLE.		DATE.
790. The Ripley R. R. Co. September 4, 1872.		
791.	do	do
792.	do	do
793.	do	do
794.	do	do
795.	do	do
796.	do	do
797.	do	do
798.	do	do
799.	do	do
800.	do	do
801.	do	do
802.	do	do
803.	do	do
804.	do	do
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